IV. REMARKS

Applicants have considered the Office Action with mailing date of April 16, 2007. Claims 1-26 are pending in this application. By this amendment, claims 1, 2, 9, 11, 18 and 20 have been amended; and claims 10 and 19 have been cancelled. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Office. The present claim amendments and cancellations are only for facilitating expeditious prosecution of the application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants respectfully reserve the right to pursue the full scope of the subject matter of these original claims and other claims in one or more subsequent patent application that claim(s) priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1 – 5, 7 – 14, 16 – 23 and 25 – 26 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,002,871, hereafter "Duggan." Claims 6, 15 and 24 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Duggan in view of "The JAVA ™ Virtual Machine Specification" by Lindholm, hereinafter "Lindholm". Applicants respectfully present the following arguments for the Office's consideration.

A. REJECTION OF CLAIMS 1-5, 7-14, 16-23 and 25-26 UNDER 35 U.S.C. §102(b)

With regard to the 35 U.S.C. §102(b) rejection over Duggan, Applicants assert that Duggan does not teach each and every feature of the claimed invention. Currently amended independent claim 1 recites, *inter alia*, that the method includes "…identifying application protocol interfaces (APIs) associated with the test application; providing a test script capable of invoking the APIs…."

The Office cites col. 12, lines 21 – 23 in Dugan as anticipating the claimed feature of

identifying application protocol interface (APIs). Page 3 of current Office Action. By this assertion,

the Office equates Dugan's commands with the claimed APIs. However, col. 5, line 57 – 59 in

Dugan defines "[a] 'command' is a series of program instructions… [that] cause the computer …to

perform a user function…". That is, all of the commands from command module listed in list box

272 are directed specifically to user function. According to Dugan at col. 6, lines 28 – 30, "[a]

'user', sometimes also referred to as a 'client', is a person who accesses and interacts with an

application program via a network connection". By these definitions, Dugan's test tool program is

directed to a human user for interacting with an application, which requires a graphic user interface

(GUI) for proper implementations and not applications programming interfaces (APIs) as in the

claimed invention. Specifically, "[a] **graphical user interface (GUI)** is a type of user interface

which allows people to interact with a computer and computer-controlled devices which employ

graphical icons, visual indicators or special graphical elements … to represent the information and

actions available to a user. The actions are usually performed through direct manipulation of the

graphical elements." (http://en.wikipedia.org/wiki/Graphical_user_interface). Further support is

disclosed in Fig 1 and col. 6, lines 56 – 60 in Dugan, which recites a GUI in the form of a user

interface of test tool program having "a main window 140 … that a test operator may … operate…"

"An **application programming interface** (API) is a source code interface that a computer system or

program library provides to support requests for services to be made of it by a computer program. …

[and] itself is abstract, in that it specifies an interface and does not get involved with implementation

details." (http://en.wikipedia.org/wiki/API). Examples of APIs include: Single UNIX Specification

(SUS), Microsoft Win32 API, Java Platform, Enterprise Edition APIs. Since an API is source code

interfaces, it is not equivalent to a GUI or the commands in the command module. Therefore, Dugan does not disclose the claimed feature of "identifying application protocol interfaces (APIs) associated with the test application". Claim 1. Accordingly, Applicants respectfully request that the Office withdraw this rejection.

In addition to the above, Dugan does not disclose or teach the claimed feature of "...providing a test script capable of invoking the APIs...". Claim 1. The Office cites, on page 3 of the current Office Action, that col. 13, lines 59 – 62 in Dugan anticipates this claimed feature. However, Dugan's test script is set out specifically, in col. 13, lines 59 – 62, to "[contain]... command module commands". As iterated above, Dugan's commands in the command module perform user functions as opposed to invoking APIs in the claimed feature. For example, col. 16, lines 49 – col. 17, line 67 in Dugan illustrates the subroutine LOGOFF command as "[a]n example of how a particular user function is coded as a command in the command module". From this example, Dugan demonstrates that the subroutine LOGOFF, if "performed properly, [would revert] ...back to the user", col. 19, line 16. That is, the execution of Dugan's test script would return a result to the human user as opposed to the claimed test script which would invoke APIs. As such, the test script in Dugan is not equivalent to the claims test script. Accordingly, Applicants respectfully request that the Office withdraw this rejection.

In the same vein, Applicants reiterate the foregoing arguments with respect to independent claims 9 and 18 and respectfully request withdrawal of the rejections.

With further respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since

the cited reference does not teach each and every feature of the claimed invention, Applicants

respectfully request withdrawal of this rejection.

B. REJECTION OF CLAIMS 6, 15 and 24 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Duggan in view of Lindholm, Applicants

submit that the combined teachings of Duggan and Lindholm do not teach or suggest each and every

feature of the claimed invention. For example, with respect to dependent claims 6, 15 and 24,

Applicants incorporate the above arguments that Duggan is deficient in teaching the claimed feature

of "...identifying application protocol interfaces (APIs) associated with the test application;

providing a test script capable of invoking the APIs....", claim 1. While Lindholm discloses the

Java^{TM} Virtual Machine, it does not disclose the claimed feature. As such, Lindholm does not cure

Dugan's deficiency. Without curing this deficiency, a person of ordinary skill applying Lindholm in

combination with Dugan will not be able to achieve the results of the claimed invention. Therefore,

such a person of ordinary skill will find no motivation to combine the Dugan and Lindholm. As

such, the combined teachings of Dugan and Lindholm do not support the Office's assertion of a

prima facie obviousness. Accordingly, Applicants respectfully request that the Office withdraw its

rejection.

V. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique feature. To this extent, Applicants do not acquiesces to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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Date: July 13, 2007

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